

Remarks

Claims 1, 3, 15-20 and 27 are pending in this application, and currently stand rejected as described in the Office Action dated 25 February 2005. Reconsideration of the claims is requested in view of the present response.

Objections to the Claims

Claim 16 is objected to, the Examiner noting that the lines corresponding to the bonds are improperly aligned. Applicants have corrected this inadvertent formatting error in the above claim.

In Claim 1, the word “coded” has been replaced with “encoded”, as requested by the Examiner.

Rejection under 35 USC 112, second paragraph

Claim 18 stands rejected, the Office Action stating that there is insufficient antecedent basis for the recitation “said peptide”. Claim 18 has been amended above to remove this recitation. In view of the amendment, withdrawal of the rejection is respectfully requested.

Rejection of Claims 1 and 3: 35 USC 102(b)

Claims 1 and 3 stand rejected over Foxwell et al. (GB 2186579). In view of the above claim amendments, withdrawal of this rejection is respectfully requested.

Double Patenting

The claims stand rejected under the nonstatutory double patenting doctrine, over claims 6-31 of US Patent No. 6,083,913 and US Patent No. 6,465,430. Both of these patents and the instant application are commonly owned by SmithKline Beecham Corporation.

The present application is assigned to SmithKline Beecham Corporation (recorded at Reel/frame 013158/0919). US Patents No. 6,465,430 and 6,083,913 were initially assigned to Glaxo Wellcome Inc. Glaxo Wellcome merged with SmithKline Beecham in late 2000. A conveyance from Glaxo Wellcome to

SmithKline Beecham has been submitted for both US Patent No. 6,083,913 and 6,465,430 (copies enclosed).

Terminal disclaimers are submitted herewith.

In view of the common ownership and the terminal disclaimers submitted herewith, withdrawal of the present rejection is requested.

Rejection of Claims 16-17

Claims 16-17 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 16 of US Patent No. 6,506,362. In view of the amendment of claim 16 above, withdrawal of this rejection is respectfully requested.

Conclusion

Applicants submit that the present application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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Enclosed: Terminal Disclaimers (2)
Copy of Assignments to SKB in 6,083,913 and 6,465,430

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